

## **RESOLUTION**

**WHEREAS**, the City Council for the City of El Paso recognizes the importance of governmental transparency and the principals contained in the Texas Public Information Act (“TPIA”);

**WHEREAS**, the City Council intends that all electronic communications related to City business be maintained on City devices and available under the TPIA;

**WHEREAS**, City of El Paso elected officials, employees, contractors and volunteers who have a City e-mail address may on occasion receive or send emails or other communications on personal devices or via personal email accounts, that are related to City business;

**WHEREAS**, in the event that an occasional or inadvertent communication involving City business is sent from or received on a personal e-mail account or personal device, the elected official, employee, contractor or volunteer who has a City e-mail address shall forward such communication to his or her City e-mail address;

**WHEREAS**, effective September 1, 2013, the legislature has defined, “public information” to now include “any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business, including any e-mail, internet posting, text message, instant message, [or] other electronic communication”; and

**WHEREAS**, the City Council finds that the law does not provide a method by which the City can access such records, however the City Council recognizes the importance of the public’s right of access to all information regarding the transaction of City business as allowed by law, and therefore elects provide a method of access.

### **NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That it is the City’s policy to adhere to the Texas Public Information Act, and the principals of governmental transparency contained therein, and to provide thorough and open public access to information regarding the transaction of City business as required by the TPIA.

That it is the City’s policy for all communications in connection with the transaction of official business, for City of El Paso elected officials, employees, contractors and volunteers who have a City e-mail address, not to use personal e-mail addresses in connection with the transaction of official business to ensure that all information regarding the transaction of official business involving public information is open and available to members of the public as allowed by law; and

That it is the City's policy that in the case of an occasional or inadvertent email, text message or other electronic communication in connection with the transaction of official business on a personal device by a City of El Paso elected officials, employees, contractors and volunteers who have a City e-mail address, such person shall, as soon as practicable, forward such communication to his or her City e-mail address to be maintained and managed as official public records.

That this resolution does not waive any exceptions under the TPIA.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF EL PASO

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Oscar Leaser  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

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Kristen L. Hamilton  
Assistant City Attorney